

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION

William J. Moore, :
 Plaintiff, :
 v. : Case No. 2:05-cv-1065
Abbott Laboratories, et al., : JUDGE WATSON
 Defendants. :

OPINION AND ORDER

This employment discrimination case is before the Court to consider plaintiff William J. Moore's motion for leave to file an amended complaint. For the following reasons, the motion will be granted.

I.

The background of this motion can be stated simply. When Mr. Moore initially filed this case, he did not have a right-to-sue letter from the EEOC regarding some of his claims. He has now received that letter and wishes to assert the claims which he presented to the EEOC. Those include retaliation once he became re-employed by Abbott, and also his claim for constructive discharge.

Abbott notes in its response that it has no objection to the filing of the amended complaint as long as it is given a full opportunity to conduct discovery on the claims raised in the complaint and to file a dispositive motion on those claims should the evidence support such a motion. It also notes that there was, at the time the motion was filed, a disagreement between the parties as to readjusting the case schedule.

That disagreement has now been resolved. A new discovery deadline and motions filing deadline have been established, and the plaintiff's deposition will be completed in the near future.

Under these circumstances, the Court does not believe that any prejudice will result from the filing of the amended complaint. Consequently, the motion for leave to amend (#89) is granted. Mr. Moore shall file an amended complaint identical in substance to Exhibit One to his motion within ten days.

II.

Any party may, within ten (10) days after this Order is filed, file and serve on the opposing party a motion for reconsideration by a District Judge. 28 U.S.C. §636(b)(1)(A), Rule 72(a), Fed. R. Civ. P.; Eastern Division Order No. 91-3, pt. I., F., 5. The motion must specifically designate the order or part in question and the basis for any objection. Responses to objections are due ten days after objections are filed and replies by the objecting party are due seven days thereafter. The District Judge, upon consideration of the motion, shall set aside any part of this Order found to be clearly erroneous or contrary to law.

This order is in full force and effect, notwithstanding the filing of any objections, unless stayed by the Magistrate Judge or District Judge. S.D. Ohio L.R. 72.4.

/s/ Terence P. Kemp
United States Magistrate Judge